

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

BRIAN SCOTT PATE, #229 345

*

Petitioner,

*

v.

*

1:06-CV-500-MHT

TERRANCE McDONNELL, WARDEN, *
et al.,

*

Respondents.

ORDER

Upon consideration of Respondents' answer and for good cause, it is

ORDERED that on or before October 23, 2006 Respondents shall file a supplemental answer which contains a copy of Petitioner's Rule 32 petition. It is further

ORDERED that Respondents' supplemental answer shall state the effect, if any, of Petitioner's failure to present the claims raised in the instant petition on direct appeal of his conviction and/or in his Rule 32 petition. Respondents' supplemental answer shall further clearly and concisely state the effect, if any, of the Alabama Court of Criminal Appeals' ruling on Petitioner's appeal of his Rule 32 petition with regard to the claims presented in the instant action.

Done, this 3rd day of October.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE